

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

Mark Sylvester

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Magna Powertrain of America, INC. (muncie cowan building mps)
750 Tower Drive
Troy, Michigan 48068

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. 1:21-cv-00395-SEB-TAB

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No**FILED**

2:38 pm, Feb 19, 2021

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Roger A.G. Sharpe, Clerk

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include *only*: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievances, witness statements, evidence, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

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Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

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Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

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Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

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Hostile work environment

☒

Other federal law (specify the federal law):

Being terminated for filing a worker comp claim.

☐

Relevant state law (specify, if known):

☐

Relevant city or county law (specify, if known):

II. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Mark Sylvester

Street Address

1319 S. Luick Ave.

City and County

Muncie, IN (Delaware Co.)

State and Zip Code

INDIANA 47302

Telephone Number

765-356-1104

E-mail Address

mk sylvester88@gmail.com

mk sylvester88@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, a corporation, or another entity. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (*if known*)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (*if known*)

Magna Powertrain of Amer. Inc.
 (Muncie MPT Coward bldg.)
 750 Tower Drive
 Troy
 Michigan 48098
 765 587-1300 (Muncie Coward rd.)

Defendant No. 2

Name

Job or Title (*if known*)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (*if known*)

Defendant No. 3

Name

Job or Title (*if known*)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (*if known*)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name

Street Address

City and County

State and Zip Code

Telephone Number

Magna Powertrain of America, Inc.
 750 Tower Drive (Muncie Coward Building)
 Troy
 Michigan 48098
 765-587-1300 - Muncie MPI
 Coward Building

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

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Failure to hire me.

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Termination of my employment.

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Failure to promote me.

☐

Failure to accommodate my disability.

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Unequal terms and conditions of my employment.

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Retaliation.

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Other acts (specify):

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- 1) terminated on EFAP leave w/pay
 - 2) terminated for filing Worker comp.
 (Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

3) continuing harassment - 3) working in hostile environment
 - 4) working in unsafe conditions

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

3) ④ - June 2nd 2018 → May 29 2019 (1) May/June 2019
 ④ - May 2018 → May 29 2019 (2) May/June 2019
 3) May 2018 → May 29 2019

C. I believe that defendant(s) (check one):

☐

is/are still committing these acts against me.

☐

is/are not still committing these acts against me.

✓
✓

disability or perceived disability (*specify disability*)

hostile work environment / unrate work
under continuing
harrassment

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IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

June 2019

- B. The Equal Employment Opportunity Commission (check one):

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☒

has not issued a Notice of Right to Sue letter.

issued a Notice of Right to Sue letter, which I received on (date)

*Dated
24, Nov, 2020*

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

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☐

60 days or more have elapsed.

60 days or more have not elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Feb 19 2021
Signature of Plaintiff Mark Sylvester
Printed Name of Plaintiff Mark Sylvester

Print

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